

Admitted:
California
District of Columbia
New York
Oregon

Law Offices
of

PETER A. CASCIATO

A Professional Corporation

DOCKET FILE COPY ORIGINAL

Roundhouse Plaza
1500 Sansome Street, Suite 201
San Francisco, CA 94111
Telephone: (415) 291-8661
Facsimile: (415) 291-8165

FEDERAL EXPRESS

February 1, 1993

Donna Searcy, Secretary
Federal Communications Commission
1919 M Street NW Room 222
Washington, DC 20554

RECEIVED

FEB - 2 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition For Rulemaking of Visionary Related Entertainment,
Inc., licensee/permittee of FM Radio Station KAOY
Kealahou, Hawaii

Dear Ms. Searcy:

Enclosed for filing are an original and six copies of the above-captioned Petition For Rulemaking of Visionary Related Entertainment, Inc. Please return the extra copy date-stamped in the self-addressed stamped envelope that is enclosed.

Should you have any questions concerning Visionary Related Entertainment, Inc., please contact the undersigned.

Very truly yours,


Peter A. Casciato
Attorney for Visionary Related Entertainment, Inc.

cc: John Detz, Jr., President w/encl.

PAC:djc

No. of Copies rec'd
Ltr A B C D E

045

RECEIVED

FEB - 2 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of § 73.202(b)) MM Docket No. _____
Table of Allotments) RM _____
FM Broadcast Station)
Kealakekua, Hawaii)

To: Chief, Policy and Rules Division

PETITION FOR RULEMAKING
AND
REQUEST FOR ORDER TO SHOW CAUSE
WHY LICENSE SHOULD NOT BE MODIFIED

Visionary Related Entertainment, Inc. ("VREI"), by its attorney and pursuant to Section 1.420 of the Commission's Rules, hereby respectfully request that the Commission amend the FM Table of Allotments (§ 73.202(b)) to substitute Channel 268C1 for Channel 268C3 at Kealakekua, Hawaii. VREI also requests that the Commission issue an order to show cause why the permit of KAOY should not be modified to specify Channel 268C1. In support thereof, the following is submitted:

1. VREI is the licensee/permittee of FM Radio Station KAOY, Kealakekua, Hawaii, which is classified as C3. VREI seeks to upgrade its facilities from Class C3 to Class C1.¹
2. The attached engineering exhibit shows that KAOY may be

¹ Pursuant to Report and Order 55 FR 49389 (1991), the former licensee of KAOY (then called KOAS(FM)) was granted a change and upgrade of its then existing channel 221A to 268C. Subsequently, the channel was downgraded to the existing C1 by application of the assignor of KAOY to VREI in Report and Order 57 FR 44338 (1992). See Section 73.202 of the Commission's Rules.

upgraded to a Class C1 facility in compliance with the Commission's Rules on distance separations to other stations, allotments and known allotment proposals.

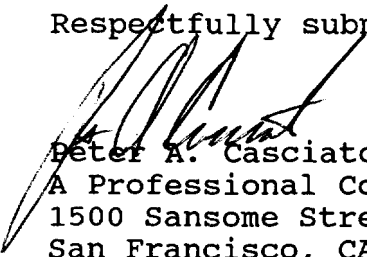
3. The substitution of the requested channel at Kealahou, Hawaii will serve the public interest. Amendment of the Commission's Rules Regarding Modification of FM Broadcast Licenses to Higher Class Co-channel of Adjacent Channels, 60 FR2d 113, 119 (1986). VREI hereby expresses its intention to apply for the Class C1 upgrade if the Commission makes this allocation change.

WHEREFORE, the premises considered, Visionary Related Entertainment, Inc. respectfully requests that the Commission initiate a rulemaking proceeding in order to amend the FM Table of Allotments, Section 73.202(b) of the Rules, as follows:

	<u>Existing</u>	<u>Proposed</u>
Kealahou, Hawaii	268C3	268C1

VREI further requests that the Commission, if necessary, issue an order to show cause why the license/permit for KAOY should not be modified to specify operation on Channel 268C1.

Respectfully submitted,


Peter A. Casciato
A Professional Corporation
1500 Sansome Street Suite 201
San Francisco, CA 94111
(415) 291-8661

February 1, 1993

Attorney for Visionary Related
Entertainment, Inc.

VISIONARY RELATED ENTERTAINMENT, INC.

REPORT IN SUPPORT OF A PETITION FOR RULEMAKING TO AMEND SECTION 73.202(b),
TABLE OF FM ALLOTMENTS, OF THE COMMISSION'S RULES BY SUBSTITUTING
CHANNEL 268C1 FOR CHANNEL 268C3 AT KEALAKEKUA, HAWAII.

TECHNICAL REPORT

This report has been prepared for Visionary Related Entertainment, Inc. and is submitted in association with a Petition for Rulemaking to substitute channel 268C1 for 268C3 at Kealahou, Hawaii. Visionary Related Entertainment, Inc. is the licensee of Radio Station KAOY, Channel 221A, Kealahou and holds a construction permit, BPH-911107IK, to upgrade to a class C3 facility on channel 268. The proposed facility upgrade, requested by this petition may be accomplished without the necessity of changing any other facilities or allotments.

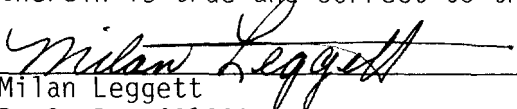
Reference coordinates for this proposed upgrade for KAOY are:

19° 42' 56" N. Latitude
155° 55' 00" W. Longitude

Exhibit A of this report is a distance separation study that indicates that KAOY may be upgraded to a Class C1 facility in compliance with the Commission's rules on distance separations to other stations, allotments, and known allotment proposals.

Reference coordinates and distance separations were determined in accordance with the methods and requirements of section 73.208 of the Rules.

Milan Leggett states that he prepared the attached Technical Report for Visionary Related Entertainment, Inc. and that the information therein is true and correct to the best of his knowledge and belief.


Milan Leggett
P. O. Box 401339
Hesperia, CA 92340-1339


Date

Telephone: 619-247-6142

VISIONARY RELATED ENTERTAINMENT, INC.

EXHIBIT A - DISTANCE SEPARATION TABLE

RADIO STATION KAOY, KEALAKEKUA, HAWAII, CHANNEL 268C1 (101.5 MHZ)

REFERENCE COORDINATES: 19⁰ 42' 56" N. LATITUDE, 155⁰ 55' 00" W. LONGITUDE

CHANNEL & CLASS	STATION, LOCATION, STATUS	GEOGRAPHICAL COORDINATES						DIST. (KM)	REQ. SEP. (KM)
		N. LATITUDE			W. LONGITUDE				
		D	M	S	D	M	S		
214C1	KKUA, Wailuku, HI, Lic.	20	42	41	156	15	26	115.8	34
214C	KKUA, Wailuku, HI, CP	20	42	41	156	15	26	115.8	41
266C1	KLHI-FM, Lahaina, HI, Lic.	20	41	27	156	22	07	117.8	82
266C1	KLHI-FM, Lahaina, HI, CP	20	41	48	156	22	58	119.0	82
266C1	KLHI-FM, Lahaina, HI, App.	20	41	48	156	22	58	119.0	82
268C3	KAOY, Kealahakua, HI, CP	19	31	10	155	55	08	21.7	211
270C	KUPU, Pearl City, HI, CP	21	23	51	158	06	01	294.1	105